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June 29, 2001

General Services Administration
FAR Secretariat (MVR)
Attn: Ms. Laurie Duarte
1800 F Street N.W.
Room 4035
Washington, D.C. 20405

2001-014-1716

Reference: FAR Case 2001-014, Proposed Revocation of the Final Rule on
Contractor Responsibility

Dear Ms. Duarte:

I am writing in support of the proposed revocation of the currently stayed Final Rule commonly known as the "blacklisting" rule. As a professional who works for a federal contractor, I believe that this controversial regulation is unnecessary, punitive, and subject to inconsistent application based on vague and undefined criteria.

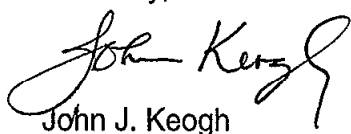
As I understand the regulation, it grants individual contracting officers an excessive degree of subjective judgment based upon undefined criteria in making responsibility determinations. The regulation fails to clearly define critical concepts such as what constitutes "relevant credible information" that a contracting officer may consider. The regulation further lacks basic safeguards to preclude arbitrary or inconsistent application, such as mandating training for contracting officers empowered to make such determinations or providing contractors with an opportunity to respond prior to being disqualified. As a result of the regulation's subjective nature, the procurement process is likely to get bogged down in increased protests and litigation.

Further, the regulation's certification requirement is contrary to the Government's acquisition streamlining initiatives. The implementation of yet another certification requirement will result in substantial additional contractor and government costs as well as serve as a disincentive to new contractors.

Existing regulations provide the Government ample opportunity to assess and act on a contractor's record of ethics and business integrity. These regulations require contracting officers to assess the contractor's integrity and business ethics as part of the responsibility determination. The separate suspension and debarment process allows the Government to take action against contractors that engage in illegal or unethical behavior. No government interest is served by the additional "blacklisting" regulation.

I appreciate the opportunity to express my support of the proposed revocation of the blacklisting regulation and trust that my opinion will be given due consideration.

Sincerely,


John J. Keogh